IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO : 9707 OF 2004

Between:

1. K. Madhusudhan Reddy s/o Raji Reddy, aged about 46 yrs,
2. Smt. K. Suryakumari w/o K. Madhusudhan Reddy, aged about 36 yrs,
3. K. Rana Pratap Reddy, s/o K. Madusudhan Reddy, aged about 18 years.

(All are R/o 19-420, Near Degree College, Mancherial, Adilabad Dist.)

..... PETITIONERS

And

1. The Superintendent of Police, Karimnagar,
2. The Circle Inspector of Police, Sultanabad mandal, Karimnagar Dist,
3. Metta Venkat Reddy s/o not known,
4. Smt. Anjali Devi w/o Naresh Reddy
5. Metta Anji Reddy s/o Venkat reddy
6. Metta SrinivasReddy s/o Venkat Reddy

(Respondents 3 to 6 are R/o Katnapalli village, Sultanabad mandal,

Karimangar District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of 2nd respondent in summoning and harassing the petitioners at the behest of respondents 3 to 6 and directing the petitioners to pay the

amount without there being any registered crime against the petitioners and interfering in a dispute of civil nature, as being arbitrary, illegal, unconstitutional and issue a consequential direction not to harass the petitioners in a dispute of civil nature and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner: MR.D. Krishna Reddy, Advocate

For the Respondent No.: GP FOR HOME

The Court Made the Following :

ORAL ORDER

This Writ Petition is filed by the petitioners aggrieved by the action of the official respondents in calling the petitioners to the police station even though no criminal case was registered, at the instance of un-official respondents.

2. According to the petitioners, the official respondent i.e. 2nd respondent is calling the petitioners to the police station at the behest of the respondents 3 to 6 which is clearly illegal apart from violating the fundamental rights of the petitioners affecting the life and liberty.

3. A counter has been filed on behalf of the 2nd respondent stating that on a complaint made by the 4th respondent, the 1st petitioner was called to the police station for the purpose of enquiry. The 1st petitioner, instead of approaching the 2nd respondent for the purpose of enquiry, filed this writ petition along with his family members. The 2nd respondent denied having registered any case at the instance of the petitioners.

4. At the time of hearing, however, the learned counsel for the petitioners clarified that the said crime No. 135/2004 was registered with Station House Officer, Mancherial and not with the Station House Officer, Sultanabad police station.

5. Learned Government Pleader, however, contended that in view of the fact that a complaint was made by the un-official respondents, the official 2nd respondent, in order to find out prima facie case called the 1st petitioner to the police station to enquire into the said complaint. Instead of appearing before the 2nd respondent and giving explanation has rushed to this Court. Therefore, he sought for passing of appropriate orders.

6. Heard the learned counsel for the petitioners and the learned Government Pleader. Admittedly the counter shows that on a complaint said to have been filed by the 4th respondent before the 2nd respondent called the petitioners before the police station. The counter does not show that even an entry was made in the general diary, apart from the fact that the complaint was not registered by the 2nd respondent. In the absence of such steps being taken by the 2nd respondent, it is not open to him to call the petitioners to the police station the moment the complaint is received from the 4th respondent which clearly shows the action on the part of the 2nd respondent which is not in accordance with the law.

7. In the above circumstances, the writ petition is disposed of directing the 2nd respondent not to call the petitioners unless specific case is registered against any of the petitioners. If any case is registered against the petitioners, then only he can call the petitioners to the police station to record any statement required from any of the petitioners. In case the petitioners are called to the police station in connection with the crime registered against the petitioners, if the petitioners apprehend any illegal action by the 2nd respondent, it is open to the petitioners to take the assistance of an Advocate and appear along with him.

8. The writ petition is disposed of with the above said observations and directions. No costs.

S. ANANDA REDDY,J

Dated: 5-07-2004

VP

To

1. The Superintendent of Police, Karimnagar,
2. The Circle Inspector of Police, Sultanabad mandal, Karimnagar District.
3. 2 CCs to the Government Pleader for Home, High Court of A.P. Hyderabad
4. 2 CD copies